

may withhold a payment until it receives verification or certification of the individual's continued enrollment and adjusts the individual's account. See § 21.5133.

(Authority: 38 U.S.C. 1641; Pub. L. 94-592, Pub. L. 99-576, Pub. L. 101-237)

3. Section 21.5133 is added to read as follows:

§ 21.5133 Certifications and release of payments.

An individual must be pursuing a program of education in order to receive payments. To ensure that this is the case, the provisions of this paragraph must be met.

(a) *General.* VA will pay educational assistance to a veteran or servicemember (other than one who qualifies for an advance payment, or one pursuing a program of apprenticeship, other on-job training, or a correspondence course) only after—

(1) The educational institution has certified his or her enrollment as provided in § 21.5200(d) of this part; and

(2) VA has received from the individual a verification of the enrollment. Generally, this verification will be required monthly, resulting in monthly payments.

(b) *Apprenticeship and other on-job training.* VA will pay educational assistance to a veteran pursuing a program of apprenticeship or other on-job training only after—

(1) The training establishment has certified his or her enrollment in the training program as provided in § 21.5200(d); and

(2) VA has received from the veteran and the training establishment a certification of hours worked. Generally, this certification will be required monthly, resulting in monthly payments.

(c) *Correspondence training.* VA will pay educational assistance to a veteran or servicemember who is pursuing a correspondence course or the correspondence portion of a combined correspondence-residence course only after—

(1) The educational institution has certified his or her enrollment;

(2) VA has received from the veteran or servicemember a certification as to the number of lessons completed and serviced by the educational institution; and

(3) VA has received from the educational institution a certification or an endorsement on the veteran's or servicemember's certificate, as to the number of lessons completed by the veteran or servicemember and serviced by the educational institution. Generally, this certification will be

required quarterly, resulting in quarterly payments.

(Authority: 38 U.S.C. 1780(g))

4. In § 21.5200 paragraph (e) and its authority citation are revised to read as follows.

§ 21.5200 Schools.

* * * * *

(e) Section 21.4204 (except paragraphs (a) and (e))—Periodic certifications.

(Authority: 38 U.S.C. 1641, 1784)

* * * * *

[FR Doc. 91-21482 Filed 9-9-91; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-3993-5]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Johns' Sludge Pond from the National Priorities List: Request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region VII announces its intent to delete the Johns' Sludge Pond site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. This action, to delete the site from the NPL, is proposed because Superfund remedial activities have been completed by a potentially responsible party.

DATES: Comments concerning this action may be submitted on or before October 10, 1991.

ADDRESSES: Comments to be considered by EPA in making this decision should be mailed to:

David V. Crawford, Remedial Project Manager, Waste Management Division/Superfund Branch, U.S. Environmental Protection Agency, Region VII; 726 Minnesota Avenue; Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Dave Crawford, Remedial Project Manager, Waste Management Division/Superfund Branch, U.S. Environmental Protection Agency, Region VII; 726

Minnesota Avenue; Kansas City, Kansas 66101; Telephone: (913) 551-7702.

SUPPLEMENTARY INFORMATION:

Comprehensive information on this site is available for public review in the Docket EPA Region VII has prepared, which contains the documents and information EPA reviewed in the decision to delete this site from the NPL. The Docket is available for public review during normal business hours at the EPA Region VII Docket Room at the above address and at City of Wichita Department of Public Works at City Hall, 8th floor, 455 North Main Street in Wichita, Kansas.

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Section I is an introduction providing background information about this site. Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses the procedures for deleting sites from the NPL. Section IV discusses how the site meets the deletion criteria. Section V lists sources and references.

I. Introduction

The Environmental Protection Agency (EPA) Region VII announces its intent to delete the Johns' Sludge Pond site in Wichita, Kansas, from the National Priorities List (NPL), which constitutes appendix B of the NCP, and requests comments on this action.

The EPA identifies sites which may present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund) or by responsible parties. Pursuant to the NCP at 40 CFR 300.425(e)(3), any site deleted from the NPL remains eligible for Fund-financed actions, if conditions at the site ever warrant.

The EPA will accept comments concerning the proposal to delete Johns' Sludge Pond from the NPL for thirty (30) calendar days after publication of this notice in the **Federal Register**.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with the NCP at 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider

whether any of the following criteria have been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health, welfare or the environment and, therefore, remedial measures are not required.

In addition to the above, for all remedial actions which result in hazardous substances, pollutants or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure, it is EPA's policy that sites should generally not be deleted from the NPL until at least one five-year review has been conducted after the completion of the remedial action. EPA must also assure that five-year reviews will continue to be conducted at the site until no hazardous substances, pollutants or contaminants remain above levels that allow for unlimited use and unrestricted exposure.

III. Deletion Procedures

In the NPL rulemaking published on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on whether the notice of comment procedures followed for adding sites to the NPL should also be used before sites are deleted. The NCP, at 40 CFR 300.425(e) (4) and (5) directs that the same **Federal Register** notice procedures for placing sites on the NCP will be used for deleting sites from the NPL.

This **Federal Register** notice is notice of EPA's intent to delete Johns' Sludge Pond from the NPL. EPA will accept comments from the public on this proposal for a period of thirty (30) calendar days beginning today, the date of this notice in the **Federal Register**. EPA will address all significant comments received on this proposal in a Responsiveness Summary, which EPA will place in the Docket on this decision. If, after consideration of these comments, EPA decides to proceed with the deletion of Johns' Sludge Pond from the NPL, EPA will publish another notice in the **Federal Register** recording this decision.

IV. Basis for Intended Site Deletion

Oily, acidic sludge was disposed in an unlined pond known as Johns' Sludge Pond prior to 1970 by the owner-operator of the site. The sludge was generated in the reclamation of waste oil by the Super Refined Oil Company, which ceased to operate after the death of the owner-operator, Ava Johns, in 1970. Johns' Sludge Pond was abandoned at that time. Later, the City of Wichita acquired, through condemnation, a portion of the site in order to improve surface water drainage in the area. In 1983 EPA placed this site on the NPL.

In 1986, the City of Wichita, which owns a portion of the site, completed site cleanup as a removal pursuant to a Consent Order with EPA and under EPA oversight. Acidic, oily sludges were neutralized by adding cement kiln dust. A compacted soil liner was built on the bottom of the existing disposal cell. Treated sludge was redeposited in the lined cell, and the site was then capped with compacted soil and seeded with a stabilizing growth of vegetation. The site was also fenced and posted for no-trespassing. The City of Wichita and Sedgwick County, Kansas, continue to provide long-term maintenance and monitoring for the site.

EPA evaluated these response actions, originally completed as a removal, and in consultation with the State of Kansas has determined that these response actions continue to be protective of public health, welfare and the environment, satisfying Deletion Criteria No.1.

V. Bibliography

US. EPA/Region VII Environmental Services Division Site Investigation Report, 1980.

U.S. EPA Region VII Community Relations Plan, 1986.

U.S. EPA Region VII Waste Management Division Feasibility Study (August 3, 1989 Memorandum, "Evaluation of Alternatives for Final Site Remedy").

U.S. EPA Region VII August 1989 Proposed Plan.

U.S. EPA Region VII September 22, 1989 Record of Decision.

U.S. EPA Region VII January 1991 Superfund Site Closeout Report.

U.S. EPA Region VII July 1991 Five-Year Review.

Dated: August 16, 1991.

Morris Kay,

Regional Administrator, USEPA Region VII.
[FR Doc. 91-21513 Filed 9-9-91; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-254, RM-7463]

Radio Broadcasting Services; Hayden, ID

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by North Idaho Broadcasting Company proposing the substitution of Channel 233C for Channel 233A at Hayden, Idaho, and modification of the construction permit (BMPH-891004IB) for Station KMWC(FM) to specify operation on the higher powered channel. Channel 233C can be allotted to Hayden in compliance with the Commission's minimum distance separation requirements at the site specified in the construction permit at coordinate 47-43-54 and 116-43-48. Hayden is short-spaced to unoccupied Channel 233A at Moyle, British Columbia, Canada. We have requested Canadian concurrence in the allotment of Channel 233C at Hayden as a specially negotiated allotment, since it is located within 320 kilometers (200 miles) of the U.S.-Canadian border. In accordance with § 1.420(g) of the Commissions Rules, we will not accept competing expressions of interest for the use of Channel 233C at Hayden or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before October 25, 1991, and reply comments on or before September 3, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Harry C. Martin, Troy F. Tanner, Reddy, Begley & Martin, 2033 M Street, NW., suite 500, Washington, DC 20036 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT:

Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91-254, adopted August 22, 1991, and released November 12, 1991. The full text of this Commission's decision is available for inspection and copying during normal business hours in the FCC